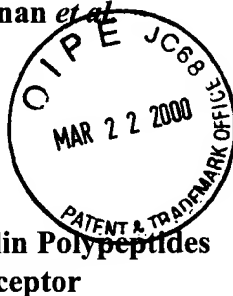


PATENT

Attorney Docket No. 044481-5017-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Ramakrishnan et al** )  
Application No. **09/003,810** )  
Filed: **January 7, 1998** )  
For: **Inhibitory Immunoglobulin Polypeptides** )  
**to Human PDGF beta Receptor** )



Group Art Unit: 1644

Examiner: Phillip Gambel

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

This petition under 37 C.F.R. § 1.48(a) is to delete the name of Nathalie Lokker who was without any deceptive intention, erroneously added to the original parent application as an inventor and who is not an inventor of the invention in the above-identified continuation application.

Statements, from Nathalie Lokker, originally filed in the parent application and submitted with the continuation application upon filing, indicating that she was without any deceptive intention on her part, erroneously added as an inventor on the original application, accompany this petition.

Further, statements from Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto, originally filed in the parent application and submitted with the continuation application upon filing, indicating that Nathalie Lokker was without any deceptive intention on their part, erroneously identified as an inventor in the original application. Also accompanying this petition is the executed declaration of the actual inventors, Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto, along with the written consent of the Assignee, COR Therapeutics, Inc.

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Attorney Docket No. 044481-5017-03

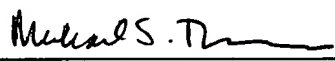
Application No. 09/003,810

Page 2

Please charge Deposit Account No. 50-0310 in the amount of \$130.00 for payment. If there is any additional fee due in connection with the filing of this Petition, please charge the fee to our Deposit Account No. 50-0310.

Dated: March 22, 2000  
Morgan, Lewis & Bockius LLP  
Customer No. 09629  
1800 M Street, N.W.  
Washington, D.C. 20036  
202-467-7000

Respectfully submitted  
**Morgan, Lewis & Bockius LLP**

  
\_\_\_\_\_  
Michael S. Tuscan  
Registration No. 43,210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

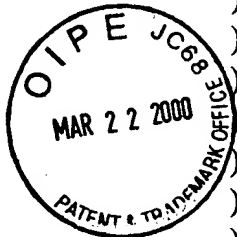
In re application of:

Vanitha Ramakrishnan, et al.

Serial No.: 08/258,283

Filed: June 10, 1994

For: INHIBITORY IMMUNOGLOBULIN  
POLYPEPTIDES TO HUMAN PDGF  
BETA RECEPTOR



Examiner: P. Gambel

Art Unit: 1806

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

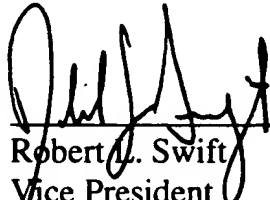
**ASSENT OF ASSIGNEE TO CORRECTION AND  
DELETION TO ORIGINAL NAMED INVENTORS**

Sir:

COR Therapeutics Inc., a corporation of Delaware, having an address at 256 E. Grand Avenue, South San Francisco, California 94080 is the assignee of the above-referenced patent application and hereby assents to the correction of inventorship filed herewith.

The undersigned certifies that to the best of his knowledge and belief title is with Cor Therapeutics Inc., as shown in the attached certificate under 37 C.F.R. 3.73 (b).

Dated: June 23, '95

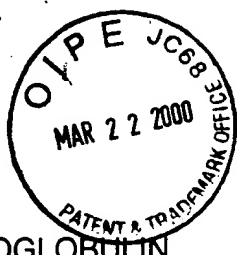
  
Robert L. Swift  
Vice President  
Operations and Development

*Handwritten signature*

PATENT  
Attorney Docket No. 12418-18-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
 )  
Vanitha Ramakrishnan, et al. )  
 )  
Serial No.: 08/258,283 )  
 )  
Filed: June 10, 1994 )  
 )  
For: INHIBITORY IMMUNOGLOBULIN )  
POLYPEPTIDES TO HUMAN PDGF )  
BETA RECEPTOR )  
 )



Examiner: P. Gambel  
Art Unit: 1806

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**STATEMENT OF FACTS UNDER 37 C.F.R. 1.48(a)**

Sir:

We, Vanitha Ramakrishnan, Maria Amelia Escobedo, Larry J. Fretto and Nathalie Lokker, hereby declare as follows:

1. That Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto are the co-inventors and co-applicants of patent application Serial No. 08/253, 440, filed on June 7, 1994 (the "Parent"), which is a file-wrapper-continuation of Serial No. 07/801,795, filed on December 2, 1991, describing immunoglobulin polypeptides that block binding of platelet- derived growth factor ("PDGF") to the platelet-derived growth factor receptor.
2. That the Parent describes an immunoglobulin polypeptide, referred to as the monoclonal antibody 2A1E2, and characterizes it as binding to the fifth domain of the extracellular domain of the PDGF receptor.
3. That the present application is a continuation-in-part of the Parent and characterizes 2A1E2 as binding to the second domain of the extracellular domain of the PDGF receptor, instead of the fifth domain as described in the Parent.

4. That Nathalie Lokker identified the second domain binding characteristics of 2A1E2. Based upon the fact that she provided additional data that was included in the present application and because claims were included to recite an immunoglobulin polypeptide the recognized an epitope in the second domain, Nathalie Lokker was named as an inventor at the time that the present application was filed.

5. It has now become apparent that Nathalie Lokker was incorrectly named as an inventor, through error and without any deceptive intention. Based upon our information and belief, the facts leading up to this discovery, are as follows:

a) The issue of inventorship was raised by Examiner Gambel in the Office Action dated December 23, 1994. The Examiner took the position that since the Parent application described the same antibody that was being described in the present application, any differences in the epitope mapping (fifth vs. second Ig-like domain) only reflected a re-evaluation of the fine specificity of the same 2A1E2 antibody and did not change the inherent properties (i.e., structure and function) of the same deposited hybridoma (HB 10938). In light of this, the Examiner questioned why the inventive entities of the Parent and the present application were different.

b) On June 1, 1995, in a telephonic interview between the Examiner and Applicants' representative Karen B. Dow, the Examiner more specifically questioned the inventorship status of Nathalie Lokker in view of the Examiner's assertion that the binding characteristics of the 2A1E2 antibody were inherent in the antibody, which was described in the Parent.

c) On several occasions after this interview, Ms Dow discussed the inventorship issue with Applicants' attorneys, Carolyn R. Adler and Shelley P. Eberle, and it was determined that the binding characteristics of the monoclonal antibody 2A1E2 were inherent in the antibody, therefore that Nathalie Lokker was not an inventor of the subject matter as claimed in the present application.

d) During the week of June 19, 1995, Ms. Eberle discussed this issue with us and we realized that an error in inventorship had been made and that it was appropriate to correct inventorship by the deletion of Nathalie Lokker as an inventor.

6. That Vanitha Ramakrishnan, Maria Amelia Escobedo and Larry J. Fretto are the co-authors of a publication entitled "A Novel Monoclonal Antibody Dependent on Domain 5 of the Platelet-Derived Growth Factor Beta Receptor Inhibits Ligand Binding and Receptor Activation", Growth Factors, (8):253-265 (1993); and that Joseph J. Seroogy, James E. Tomlinson and David L. Wolf are also named as co-authors on the publication. The contributions of the authors not named as inventors is as follows:

a) David L. Wolf made the molecular biological construct and used it to transfect cells to produce the antigen (extracellular domain of the PDGF beta receptor), as described in column 1, lines 1-23, on page 255 of the publication. David L. Wolf also immunized rabbits to produce rabbit polyclonal serum, as described in column 1, lines 31-34 on page 255 of the publication.

b) James E. Tomlinson characterized the antigen-expressing cell lines made by David L. Wolf, as described in column 1, lines 23-43 on page 255 of the publication. This antigen was later used as the immunogen for the production of the monoclonal antibodies. James E. Tomlinson also characterized the rabbit polyclonal antibodies made by David L. Wolf. These antibodies were used to determine the recombinant expression of the modified extracellular PDGF beta receptor by Western blot analysis, as described in column 1, lines 28-31 on page 255 of the publication.

c) Joseph J. Seroogy performed the partial purification of the antigen (extracellular domain of the PDGF beta receptor) that was used to determine antibody titer in the ELISA, as described in column 2 on page 255 of the publication.

d) It is our belief that co-authors Joseph J. Seroogy, James E. Tomlinson and David L. Wolf are not co-inventors of the claimed subject matter of the present application.

The undersigned declare further that all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing hereon.

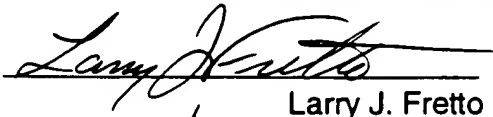
Dated: 22 JUNE '95

  
Vanitha Ramakrishnan

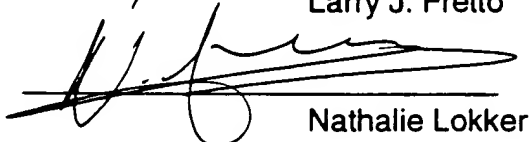
Dated: \_\_\_\_\_

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Maria Amelia Escobedo

Dated: 6-22-95

  
Larry J. Fretto

Dated: 6-22-95

  
Nathalie Lokker

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )

Vanitha Ramakrishnan, et al. )

Serial No.: 08/258,283 )

Filed: June 10, 1994 )

For: INHIBITORY IMMUNOGLOBULIN )  
POLYPEPTIDES TO HUMAN PDGF )  
BETA RECEPTOR )

Examiner: P. Gambel

Art Unit: 1806



Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

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Dated: \_\_\_\_\_

\_\_\_\_\_  
Vanitha Ramakrishnan

Dated: 6/28/95

\_\_\_\_\_  
*Maria A. Escobedo*  
Maria Amelia Escobedo

Dated: \_\_\_\_\_

\_\_\_\_\_  
Larry J. Fretto

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nathalie Lokker